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Attorneys for Public Entities Impacted by the Wildfires

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re

PG&E CORPORATION,

and

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

Case No. 19-30088-DM

Chapter 11

Lead Case, Jointly Administered

***EX PARTE* MOTION TO SHORTEN
TIME FOR NOTICE AND HEARING
ON MOTION OF PUBLIC ENTITIES
FOR APPOINTMENT OF OFFICIAL
COMMITTEE OF PUBLIC ENTITIES
PURSUANT TO 11 U.S.C. §§ 1102(a)(2)
AND 105(a)**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

[No hearing required.]

*All papers shall be filed in the Lead Case,
No. 19-30088-DM.

Requested Hearing on Shortened Time:

Date: March 13, 2019

Time: 9:30 a.m. (Pacific Time)

Pursuant to Local Rule 9006-1(c), the Public Entities¹ hereby seek an order shortening time for the Court to conduct a hearing to consider their Motion of Public Entities for Appointment of Official Committee of Public Entities Pursuant to 11 U.S.C. §§ 1102(a)(2) and 105(a) (the “**PE Committee Motion**”). The Public Entities request that a hearing be set for the PE Committee Motion on March 13, 2019 at 9:30 a.m., or at the Court’s earliest convenience.

In support hereof, the Public Entities state as follows:

1. As noted in the PE Committee Motion attached as Exhibit A to the declaration of Sander L. Esserman filed concurrently herewith, the Public Entities can and should serve a distinct and important role in the Debtors’ bankruptcy cases given (1) the unique nature of these proceedings and the Public Entities’ claims herein, (2) the scope of the effect these proceedings will have on the communities represented by the Public Entities, and (3) the distinct possibility the Debtors will seek statutory and/or regulatory concessions that could affect the Public Entities in order to effectuate a viable reorganization of the Debtors. It is critical that the Public Entities have the opportunity to assist in the progress of this case in a centralized and independent manner at the earliest possible juncture.

2. The Public Entities have been in discussions with the U.S. Trustee for the past several weeks regarding the appointment of an Official Committee of Public Entities. The U.S. Trustee ultimately declined to appoint such a committee on February 20, 2019, citing grounds addressed by the Public Entities in the PE Committee Motion. The Public Entities therefore request that the Court appoint an Official Committee of Public Entities under 11 U.S.C. §§1102(a)(2) and 105(a).

3. The Official Committee of Unsecured Creditors was appointed by the U.S. Trustee on February 12, 2019 and the Official Committee of Tort Claimants was appointed on

¹ The Public Entities consist of the following California public entities: (a) Calaveras County Water District, (b) Napa County, (c) City of Napa, (d) Mendocino County, (e) Lake County, (f) City of Clearlake, (g) Nevada County, (h) Yuba County, (i) City of Santa Rosa, (j) Sonoma County, (k) Sonoma County Agricultural Preservation and Open Space District, (l) Sonoma County Community Development Commission, (m) Sonoma County Water Agency, (n) Sonoma County Sanitation District, (o) Town of Paradise, and (p) Butte County.

1 February 15, 2019. Both of those committees are therefore already functioning, and important
2 early negotiations and other discussions regarding these bankruptcy cases are already underway.
3 The Public Entities as a unified body should be a party to those discussions. Accordingly, the
4 Public Entities submit that sufficient cause exists for the Court to shorten the time for notice of
5 hearing on the PE Committee Motion.

6 4. The requested shortened notice period should have little to no impact on these
7 cases since the party to whom the PE Committee Motion is primarily directed, namely the U.S.
8 Trustee, has known of the relief requested by the Public Entities since January 30, 2019. Three
9 weeks later, the U.S. Trustee relayed its decision to the Public Entities. Therefore, there is no
10 prejudice to the parties-in-interest by shortening notice under the circumstances. Conversely,
11 the Public Entities' interests are not represented by the committees currently appointed, although
12 the Public Entities are a separate and substantial class of interests. Any additional delay in the
13 Court's consideration of the PE Committee Motion may have substantial adverse impacts on the
14 interests of all public entities in these cases.

15 5. The Public Entities therefore request that the Court conduct a hearing to consider
16 the PE Committee Motion at the Omnibus Hearing scheduled for March 13, 2019 at 9:30 a.m.,
17 or at the Court's earliest convenience. The Public Entities further request that March 11, 2019
18 be set as the deadline for filing any opposition.

19 6. On the morning of February 28, 2019, counsel for the Public Entities contacted
20 both counsel for the Debtors and the Assistant U.S. Trustee regarding this request to hear the PE
21 Committee Motion on shortened time. Specifically, counsel for the Public Entities requested
22 that the PE Committee Motion be heard on March 13 and that the deadline for responsive
23 pleadings be March 11. Counsel for the Public Entities discussed the matter by phone with
24 Debtors' counsel and followed up by email. Debtors' counsel indicated he would consult with
25 his clients and get back to counsel for the Public Entities. Counsel for the Public Entities asked
26 for a response by close of business on February 28th. No further response has been received
27 from either counsel for the Debtors or the Assistant U.S. Trustee.

28

WHEREFORE, the Public Entities pray that the Court enter an order:

a. Granting this motion;

b. Setting a hearing on March 13, 2019, or at the Court's earliest convenience, to consider the PE Committee Motion;

c. Allowing the Public Entities to limit service of the notice of the PE Committee Motion and related pleadings to the U.S. Trustee, ECF participants, and the proposed counsel for the Debtors, the Official Committee of Unsecured Creditors, and the Official Committee of Tort Claimants;

d. Ordering that any opposition to the PE Committee Motion be filed and served no later than March 11, 2019, or two days before the scheduled hearing; and

e. Granting such other or further relief as the Court deems just and proper.

Dated: March 1, 2019

STUTZMAN, BROMBERG, ESSERMAN &
PLIFKA, P.C.

By: /s/ Sander L. Esserman
Sander L. Esserman

Attorneys for Public Entities Impacted by the Wildfires

Dated: March 1, 2019

BARON & BUDD, P.C.

By: /s/ Scott Summy
Scott Summy

Attorneys for Public Entities Impacted by the Wildfires

Dated: March 1, 2019

NUTI HART LLP

By: /s/ Kimberly S. Fineman
Kimberly S. Fineman

Attorneys for Public Entities Impacted by the Wildfires